

REMARKS

Please reconsider the application in view of the above amendments and the following remarks. Applicant thanks the Examiner for indicating that claims 22, 24-26, 28-32, 44, 46, 47, and 49-53 are allowable.

Disposition of Claims

Claims 1-53 are pending in this application. Claims 2, 6, and 14, 17, 36, and 39 have been canceled by this reply. Claims 1, 13, 22, 33, 35, 44, and 53 are independent. The remaining claims depend, directly or indirectly, from claims 1, 13, 22, 33, 35, and 44.

Claim Objections

The Examiner objects to claims 33 and 34 because Applicant stated that claim 33 is independent. Claim 33 has been amended to include the limitations of independent claim 22 and is now an independent claim. Accordingly, withdrawal of this objection is respectfully requested.

Claim Amendments

Independent claim 1 has been amended to include the subject matter of dependent claims 2 and 6. Independent claims 13 and 35 have been similarly amended to include the subject matter of dependent claims 14 and 17 and 36 and 39, respectively. Accordingly, dependent claims 2, 6, 14, 17, 36, and 39 have been canceled without prejudice or disclaimer. Further, independent claims 1, 13, and 35 have been amended to clarify that the logical operator is used to combine identifiers for the purpose of *targeting a group of users*. Thus, the claims now explicitly recite that the logical operator is linked to target the group of users for whom the message is intended. Further, independent claim 33 has been amended to include similar subject

matter as independent claims 1, 13, and 35. Applicant asserts that no new subject matter is added by way of these amendments. Support for these amendments can be found in the original dependent claims.

Rejections under 35 U.S.C. § 103

Claims 1-5, 7-9, 11, 13-16, 18-21, 33, 35-38, and 40-43 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,229,621 ("Kulakowski") in view of U.S. Patent No. 6,951,029 ("Kamperman"). Claims 2, 14, and 36 have been canceled by this reply. Thus, this rejection is now moot with respect to claims 2, 14, and 36. To the extent that this rejection may still apply to the remaining amended claims, this rejection is respectfully traversed.

As described above, independent claims 1, 13, 33, and 35 have been amended to incorporate subject matter from dependent claims 2 and 6, 14 and 17, and 36 and 39, respectively. As admitted by the Examiner on pages 6-7 of the Office Action mailed November 29, 2005, the combination of Kulakowski and Kamperman fail to disclose the limitations of dependent claims 6, 17, and 39. Thus, it follows that amended independent claims 1, 13, 33, and 35 are patentable over Kulakowski and Kamperman, whether considered separately or in combination. Dependent claims 3-5, 7-9, 11, 15, 16, 18-21, 36-38, and 40-43 are patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 6, 17, 27, and 39 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Kulakowski and Kamperman in view of U.S. Patent No. 6,005,565 ("Legall"). Applicant notes that claim 27 was canceled by a previous reply. Thus, the Examiner seems to have included claim 27 in this rejection erroneously. Applicant has completed this reply assuming that claim 27 is canceled. Claims 6, 17, and 39 have been newly canceled by this reply. Thus,

this rejection is now moot. However, the limitations of dependent claims 6, 17, and 39 have been incorporated into independent claims 1, 13, 33, and 35. To the extent that this rejection may still apply to amended independent claims 1, 13, 33, and 35, this rejection is respectfully traversed.

The Examiner relies on Legall to disclose the limitation “wherein the message includes at least one logical operator defining how a plurality of said identifiers are to be combined.” Applicant respectfully disagrees.

Legall teaches an intelligent EPG system that enables a user to combine key words in his/her search. In Legall, the search may be performed in a plurality of places, such as the Internet. If the search tool performs the search itself, then the tool downloads information and searches this information. In this case, the key words never leave the search tool. Alternatively, if the tool requests searches from other entities, then the tool forwards key words to these entities that perform the search. Legall is completely silent with respect to combining the key words using a logical operator to *target a particular recipient* or group of recipients. As argued previously, Legall’s use of the logical operator is to *combine multiple terms for a search criteria*. However, amended independent claims 1, 13, 33, and 35 clearly require that identifiers be combined using a logical operator for the purpose of *targeting a group of users*. Nothing in Legall even remotely suggests that the logical operator used to combine key words to perform a search is in any way related or associated with a particular group of users that are going to receive the results of the search.

Further, Applicant notes that there is no motivation to combine the teachings of Kulakowski and Legall. The Examiner cannot combine prior art references to render a claimed invention obvious by merely showing that all the limitations of the claimed invention can be

found in the prior art references. Instead, there must a suggestion or motivation to combine the references within the prior art references themselves. In other words, regardless of whether prior art references can be combined, there must an indication within the prior art references *expressing desirability* to combine the references. *In re Mills*, 916 F.2d 680 (Fed. Cir. 1990) (emphasis added). Further, the present application *cannot be used a guide* in reconstructing elements of prior art references to render the claimed invention obvious. *In re Vaeck*, 947 F.2d 488 (Fed. Cir. 1991) (emphasis added).

In the present case, there is no expression of desirability in either Kulakowski or Legall that would cause one skilled in the art to turn to the teachings of the other. In fact, while Kulakowski explicitly discloses using a system with bit-string groupings to target particular groups or subscribers (*see* Kulakowski, col. 7, ll. 37-39 and Figure 3), there is nothing in Legall to even remotely suggest *targeting a particular recipient* or a particular group of recipients. Thus, one skilled in the art would not turn to the combination of Legall and Kulakowski to achieve the claimed invention.

Claims 10 and 31 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Kulakowski and Kamperman in view of U.S. Publication No. 2001/0011350 ("Zabetian"). Applicant notes that claim 31 depends directly from allowed claim 22. Thus, claim 31 is patentable over Kulakowski, Kamperman, Zabetian, and all other prior art for at least the same reasons as allowed claim 22. Applicant believes the Examiner has erroneously included claim 31 in this rejection. For claim 10, to the extent that this rejection may still apply to the amended claims, this rejection is respectfully traversed.

As described above, Kulakowski and Kamperman fail to disclose all the limitations of amended independent claim 1. Further, Zabetian fails to supply that which Kulakowski and

Kamperman lack, as evidenced by the fact that the Examiner relies on Zabetian solely for the purpose of disclosing that the message includes a signature for verifying the contents of the message (*see* Office Action mailed November 29, 2005, page 8). In view of the above, it is clear that amended independent claim 1 is patentable over Kulakowski, Kamperman, and Zabetian, whether considered separately or in combination. Dependent claim 10 is patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 12 and 34 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Kulakowski and Kamperman in view of U.S. Patent No. 6,449,494 ("Cashman"). To the extent that this rejection may still apply to the amended claims, this rejection is respectfully traversed.

As described above, Kulakowski and Kamperman fail to disclose all the limitations of amended independent claims 1 and 33. Further, Cashman fails to supply that which Kulakowski and Kamperman lack, as evidenced by the fact that the Examiner relies on Cashman solely for the purpose of disclosing repetitively broadcasting at a predetermined cycle rate (*see* Office Action mailed November 29, 2005, page 8). In view of the above, it is clear that amended independent claims 1 and 33 are patentable over Kulakowski, Kamperman, and Cashman, whether considered separately or in combination. Dependent claims 12 and 34 are patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Conclusion

Applicant believes this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 11345/044001).

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Respectfully submitted,

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